

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-cv-22538-ALTMAN/Reid

DOMINIK KARNAS *et al.*, on behalf of
himself and others similarly situated,

Plaintiff,

v.

MARK CUBAN, *et al.*,

Defendants.

/

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL THEIR
REPLY TO DEFENDANTS' SUPPLEMENTAL OPPOSITION [ECF NO. 323] TO
PLAINTIFFS' MOTION TO CERTIFY ISSUE CLASSES [ECF NO. 254]**

Plaintiffs, pursuant to Southern District of Florida Local Rule 5.4(b)(1), file this Unopposed Motion for Leave to File Under Seal the unredacted versions of their Reply to Defendants' Supplemental Opposition to Plaintiffs' Motion to Certify Issue Classes, the Deposition Transcript of Harris Label, *and* Supporting Exhibits Thereto Because They Contain References to Confidential Information (the "Motion" and the "Supplemental Reply") (hereinafter the "Motion to Seal"). As grounds therefor, Defendants state as follows:

1. Contemporaneously herewith, Plaintiffs will be filing (i) their Supplemental Reply and (ii) the deposition transcript of Harris Label, dated December 4, 2024, with exhibits (collectively, the "Confidential Filings"). The Confidential Filings contain or will contain references to information that has either been produced by third parties as confidential or designated by either side as Confidential under the Stipulated Protective Order entered by Magistrate Judge Reid on December 21, 2022. [ECF No. 65].

2. Therefore, for filing purposes, Plaintiffs have redacted or will redact from the Confidential Filings the information the parties' designated as Confidential and that is covered by the Stipulated Protective Order. *See* S.D. Fla. L.R. 5.4(b)(1); S.D. Fla. CM/ECF Rule 9B.

3. As in Defendants' Supplemental Opposition, which this Court granted leave to file under seal, the at-issue protected-as-Confidential information consists of certain Voyager customer

data derived from access to Voyager's customer database, as well as data from Named Plaintiffs' user accounts. For example, as set forth in further detail in the Declaration of Harris Label, Voyager has granted access to their customer database, enabling Defendants to input coding queries to obtain data and information concerning Voyager's user activity.

4. While the redactions are and will be limited only to specific user data, and most of the Confidential Filings will not be redacted, Plaintiffs seek permission to file unredacted versions of the Confidential Filings under seal so that this Court is fully informed and has before it all relevant Confidential information prior to ruling on the Motion.

5. The proposed duration of the requested sealing is for/until the later of (i) the parties consenting to unsealing of the information designated as Confidential, or (ii) an unsealing of any of the information designated as Confidential pursuant to the terms of the Stipulated Protective Order

6. Local Rule 5.4(b)(1) states that a party who wants to file documents and information under seal must file and serve electronically a motion seeking permission to file under seal. Such a motion must set forth the factual and legal basis for the requested sealing and describe with as much particularity as possible the documents and information to be sealed. *See* S.D. Fla. L.R. 5.4(b)(1).

7. Where, as here, a party files a motion and other legal documents that need to include references to protected confidential information and those filings are the subject of a Local Rule 5.4(b)(1) motion to file under seal, all of the content sought to be filed under seal must be redacted until the Court has an opportunity to rule on the motion to seal. *See* S.D. Fla. L.R. 5.4(b)(1); S.D. Fla. CM/ECF Rule 9B.

8. Plaintiffs' instant Motion to Seal and the redacted Confidential Filings are all in full compliance with Local Rule 5.4(b)(1) and CM/ECF Rule 9B.

9. A Proposed Order accompanies this Motion as **Exhibit A**.

S.D. Fla. L.R. 7.1 Certification

Plaintiffs' counsel certifies that they have conferred in good faith with Defendants' counsel in a good faith effort to resolve the issues raised in this motion and represent that Defendants do not oppose the relief sought in this motion.

Dated: December 17, 2024

By: /s/ Adam M. Moskowitz

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was filed on December 17, 2024, with the Court via CM/ECF system, which will send notification of such filing to all attorneys of record

By: /s/ Adam M. Moskowitz

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